

**PETITION FOR MATTERS NOT OTHERWISE PROVIDED FOR UNDER 37 CFR 1.182**

First named inventor : Sfandiari

Group Art Unit: Unknown

App. No. : 09/582,002

Filed : June 19, 2000

Title : APPARATUS AND METHOD  
FOR SIGNAL DETECTION BY  
BASE STATION IN A MOBILE  
COMMUNICATION SYSTEM

Il hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee," No. EL587855137US, service under 37 CFR 1.10 on the date indicated above and are addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on

November 30, 2000  
(Date)

Examiner : Unknown

John M. Carson, Reg. No. 34,303

**RECEIVED**

DEC 05 2000

OFFICE OF PETITIONS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

**PETITION FOR DIVISION AND CHANGE IN FILING STATUS OF APPLICATION**

Sir:

This petition is submitted to the U.S. Patent and Trademark Office (USPTO) under 37 CFR 1.182 regarding a circumstance for which no other petition is provided. Enclosed herewith is a check for the fee specified in 37 CFR 1.17(h). Also enclosed are papers for two divisional applications of the subject application, including transmittal letters, preliminary amendments, and copies of the declaration from the parent application. This petition is also accompanied by a separate petition under 37 CFR 1.182, and a check for the fee therefor, requesting expedited review of the present petition.

Action Requested

The USPTO is respectfully requested to treat the papers filed with the subject National Stage completion application, USSN 09/582,002, as including specifications, drawings and fees for two divisional applications thereof under 35 USC 111, each claiming priority to USSN 09/582,002 and to the international parent application.

Statement

Three National Stage applications and their associated fees were deposited with the PTO on June 19, 2000. These applications were all filed under 35 USC 371 as completions of an international application (PCT/GB98/03810, filed December 17, 1998). Applicant subsequently received a Notification of Missing Requirements under 35 U.S.C. 371 on September 1, 2000. More specifically, the Notification stated that the PTO had received three preliminary amendments with a single application. This was incorrect. Applicant had not filed three preliminary amendments for the same application, but rather had filed three different applications, each of which shared the same disclosure but included a distinct preliminary amendment.

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Upon receipt of the Notification of Missing Requirements, inquiry was made to determine the state of the record at the USPTO. Mr. Leonard Smith from the USPTO legal department attributed the confusion to the USPTO interpretation of 35 USC 371 to preclude filing a plurality of National Stage Completion Applications from the same International Application, based on the singular articles "the", "a," and "an" in the text of the code and procedures.

Mr. Smith proposed that the filed material could be treated as including a single national stage completion under 35 USC 371, plus two divisional applications (under 35 USC 111) of that national stage application, each divisional application claiming priority under 35 USC 120 to USSN 09/582,002.

Applicant respectfully requests to proceed as suggested by Mr. Smith.

USSN 09/582,002 will keep claims 25-63, filed June 19, 2000, our reference WIREFAC.020A. The two divisional applications will use the specification, drawings and fees filed June 19, 2000 as our references WIREFAC.021A and WIREFAC.022A. Enclosed, for each divisional, are: a new preliminary amendment (as previously submitted except for a new priority claim); a copy of the declaration filed in the parent case; and a new transmittal letter including fee calculations and having a copy of the check for the previously submitted fees attached. As the present filing fees are less than those previously paid, please credit the difference, as indicated on each transmittal letter, to Deposit Account No. 11-1410.

If the previously paid fees cannot be applied to the present applications, please treat this petition as including a request for refund of those previously paid fees (not including those filed for our reference WIREFAC.020A, now USSN 09/582,002), and as including authorization to charge the basic filing fees and any excess claim fees for each divisional application to Deposit Account No. 11-1410.

### CONCLUSION

In accordance with recommendations from the USPTO, this petition under 37 CFR 1.182 requests separation of the existing single application (09/582,002) into three distinct applications, each incorporating a preliminary amendment differing only in priority claim from one which was submitted with papers which were accorded USSN 09/582,002. To this end, two new applications under 35 U.S.C. 111(a) are requested as divisional applications of USSN 09/582,002.

Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/30/00

By: \_\_\_\_\_

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